Case 11-40519-drd13 Doc 1 Filed 02/11/11 Entered 02/11/11 11:27:37 Desc Main Document Page 1 of 7

B1 (Official Form 1)(4/10)	United S	States I				.go 1 0	· <i>'</i>		Vol	untary Petition
Name of Debtor (if individual, enter Last, First, Middle):  Clark, Calvin (nmn)				Name	Name of Joint Debtor (Spouse) (Last, First, Middle):  Clark, Evelyn (nmn)					
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):					All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):					
Last four digits of Soc. Sec. or (if more than one, state all)  xxx-xx-4926	· Individual-Taxpa	yer I.D. (ITI	IN) No./C	Complete EII	(if more	our digits of than one, state	all)	Individual-	Гахрауег I.	D. (ITIN) No./Complete EIN
Street Address of Debtor (No. and Street, City, and State): 6235 North Hickory Court Kansas City, MO  ZIP Code				623	Street Address of Joint Debtor (No. and Street, City, and State):  6235 North Hickory Court  Kansas City, MO  ZIP Code					
County of Residence or of the Clay	_		•	34118	Cla	County of Residence or of the Principal Place of Business:  Clay				
Mailing Address of Debtor (if		,		ZIP Code	Mailir	g Address	of Joint Debto	or (if differe	nt from stro	zIP Code
Location of Principal Assets of (if different from street address										
Type of Debtor (Form of Organization) (Check one box)  ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box)  ☐ Health Care Business ☐ Single Asset Real Estate as defin in 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank ☐ Other  Tax-Exempt Entity (Check box, if applicable) ☐ Debtor is a tax-exempt organizat under Title 26 of the United Stat			) nization	defined	the P er 7 er 9 er 11 er 12	Petition is Fi	hapter 15 F a Foreign hapter 15 F a Foreign c of Debts k one box)	Petition for Recognition Main Proceeding Petition for Recognition Nonmain Proceeding  Debts are primarily business debts.
Filing Fe Full Filing Fee attached Filing Fee to be paid in installattach signed application for the debtor is unable to pay fee exc Form 3A. Filing Fee waiver requested (a attach signed application for the	ne court's considerati cept in installments. I pplicable to chapter	individuals or on certifying Rule 1006(b).	nly). Must that the See Offici only). Mus	al Check a  Check a  Check a  Check a  Check a  Check a	ne box: ebtor is a sr ebtor is not : ebtor's aggr e less than s Il applicable plan is beir cceptances	nall business a small business a small business egate nonco \$2,343,300 (a) boxes: ag filed with of the plan w	debtor as defin ness debtor as d ntingent liquida amount subject this petition.	ter 11 Debte ed in 11 U.S. efined in 11 U.S. ted debts (exc to adjustment	Ors C. § 101(511 J.S.C. § 101 cluding debte on 4/01/13	
Statistical/Administrative Ind  ☐ Debtor estimates that funds ☐ Debtor estimates that, after there will be no funds avail	s will be available any exempt prop	erty is exclu	ded and a	dministrativ		es paid,		THIS	S SPACE IS	FOR COURT USE ONLY
Estimated Number of Creditor	□ 200-		<b>]</b> 5,001- 0,000	10,001-	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated Assets	001 to \$500,001 000 to \$1	to \$10 to	10,000,001 0 \$50 nillion	\$50,000,001 to \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated Liabilities	001 to \$500,001 000 to \$1	to \$10 to	10,000,001 0 \$50 nillion	\$50,000,001 to \$100	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				

Case 11-40519-drd13 Doc 1 Filed 02/11/11 Entered 02/11/11 11:27:37 Desc Main

Document Page 2 of 7 B1 (Official Form 1)(4/10) Page 2 Name of Debtor(s): Voluntary Petition Clark, Calvin (nmn) Clark, Evelyn (nmn) (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Location Date Filed: Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ Jason Gregory Roach February 10, 2011 Signature of Attorney for Debtor(s) (Date) Jason Gregory Roach #51302 Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? ☐ Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: **Exhibit D** also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

B1 (Official Form 1)(4/10) Document Page 3 of 7

# **Voluntary Petition**

(This page must be completed and filed in every case)

# Signatures

### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

# X /s/ Calvin (nmn) Clark

Signature of Debtor Calvin (nmn) Clark

### X /s/ Evelyn (nmn) Clark

Signature of Joint Debtor Evelyn (nmn) Clark

Telephone Number (If not represented by attorney)

#### February 10, 2011

Date

### Signature of Attorney\*

#### X /s/ Jason Gregory Roach

Signature of Attorney for Debtor(s)

#### Jason Gregory Roach #51302

Printed Name of Attorney for Debtor(s)

#### Roach Bankruptcy Center LLC

Firm Name

4444 North Belleview Avenue Suite 211 Gladstone, MO 64116

Address

#### Email: roachyjason@att.net

816-454-5555 Fax: 816-454-5554

Telephone Number

# February 10, 2011

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

#### Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

Name of Debtor(s):

Clark, Calvin (nmn) Clark, Evelyn (nmn)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

# Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

₹	7	

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 11-40519-drd13 Doc 1 Filed 02/11/11 Entered 02/11/11 11:27:37 Desc Main Document Page 4 of 7

# United States Bankruptcy Court Western District of Missouri

In re	Calvin (nmn) Clark Evelyn (nmn) Clark		Case No.		
		Debtor(s)	Chapter	13	
	DISCLOSURE OF COMPEN	SATION OF ATTO	RNEY FOR DE	CBTOR(S)	
cc	ursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule ompensation paid to me within one year before the filing e rendered on behalf of the debtor(s) in contemplation of	g of the petition in bankruptc	y, or agreed to be pai	d to me, for services	
	For legal services, I have agreed to accept		\$	2,400.00	
	Prior to the filing of this statement I have received		\$	301.00	
	Balance Due		\$	2,099.00	
2. \$_	<b>274.00</b> of the filing fee has been paid.				
3. Tl	he source of the compensation paid to me was:				
	■ Debtor □ Other (specify):				
4. Tl	he source of compensation to be paid to me is:				
	■ Debtor □ Other (specify):				
5.	I have not agreed to share the above-disclosed compe	nsation with any other person	unless they are mem	bers and associates of	of my law firm
	I have agreed to share the above-disclosed compensate copy of the agreement, together with a list of the name				law firm. A
6. Ir	n return for the above-disclosed fee, I have agreed to ren	der legal service for all aspec	ts of the bankruptcy of	ease, including:	
b. c.	Analysis of the debtor's financial situation, and render Preparation and filing of any petition, schedules, states Representation of the debtor at the meeting of creditor [Other provisions as needed]  Negotiations with secured creditors to re reaffirmation agreements and application 522(f)(2)(A) for avoidance of liens on hou	ment of affairs and plan which is and confirmation hearing, a duce to market value; exc is as needed; preparation	h may be required; nd any adjourned hea emption planning;	rings thereof;	filing of
7. B	y agreement with the debtor(s), the above-disclosed fee Representation of the debtors in any disc any other adversary proceeding.	does not include the following chargeability actions, judi	g service: icial lien avoidance	es, relief from sta	y actions or
		CERTIFICATION			
	certify that the foregoing is a complete statement of any nkruptcy proceeding.	agreement or arrangement fo	r payment to me for r	epresentation of the	debtor(s) in
Dated:	February 10, 2011	/s/ Jason Gregory R Jason Gregory R Roach Bankrupte 4444 North Belle Suite 211 Gladstone, MO 6 816-454-5555 Fa roachyjason@att	oach #51302 cy Center LLC view Avenue 4116 ax: 816-454-5554		

B 201A (Form 201A) (12/09)

WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2

# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MISSOURI

# NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

# 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

# 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

# Case 11-40519-drd13 Doc 1 Filed 02/11/11 Entered 02/11/11 11:27:37 Desc Main Document Page 6 of 7

Form B 201A, Notice to Consumer Debtor(s)

Page 2

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

# Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

# Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure.

Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.

Case 11-40519-drd13 Doc 1 Filed 02/11/11 Entered 02/11/11 11:27:37 Desc Main Document Page 7 of 7

B 201B (Form 201B) (12/09)

# **United States Bankruptcy Court** Western District of Missouri

In re	Calvin (nmn) Clark Evelyn (nmn) Clark	Dahtar(a)	Case No.	12
		Debtor(s)	Chapter	13
		OF NOTICE TO CONSUM 2(b) OF THE BANKRUPT	`	5)
		Certification of Debtor		
	I (We), the debtor(s), affirm that I (we) hav	re received and read the attached n	otice, as required by	§ 342(b) of the Bankruptcy
Code.				
	ı (nmn) Clark ı (nmn) Clark	X /s/ Calvin (nm	n) Clark	February 10, 2011
Printed	d Name(s) of Debtor(s)	Signature of D	ebtor	Date
Case N	No. (if known)	X /s/ Evelyn (nm	n) Clark	February 10, 2011
		Signature of Jo	int Debtor (if any)	Date

Instructions: Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.